

See note: Who Fills out the EAR? u

Enforcement Action Referral Rev. 3/18/2002	Inv. #	768045	Initiated by: Region, LP, Central:	Region
	Enf Case		Name of Initiating Office:	REGION 12 - HOUSTON
	Media Code:	WQ		

Section 1: Respondent

ID	CN603445016		Role	RESP PARTY
Name	MCC RECYCLING LLP			
Mailing Address	Street/PO Box	400 N RICHEY ST		
	City/State/Zip	PASADENA, TX 77506		
	Phone	(713) 473-0013	Fax	(713) 472-5668

Primary Contact (NOE Contact)			
Name	KLAUSE GENNSLER	Organization	MCC RECYCLING LLP
Title	President	Phone	Fax

Section 2: Respondent's Facility/Operation (F/O)

F/O ID	RN105684302		
F/O Name	MCC RECYCLING		
F/O Physical Address	200 RICHEY ST		
Location City	PASADENA	Location Zip	77506
Location County	HARRIS	Operational Status	Active
Primary Business Activity	Centralized Waste Treatment	Type of Small Entity	Small Business
SNC or HPV?	N/A	SIC Code	4953
Potentially Affected Area	Houston Ship Channael Stream segment # 1006, including Vince Bayou.	Complaints Closed	0
List any NOV's? Orders for same or similar violations at this F/O in the past 5 years.	N/A		
Additional IDs			

Section 3: Summary of Violations

See note: Inclusion of Resolved or Verbal Violations u

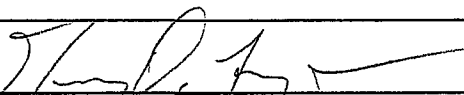

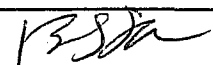
Viol Num	Requirements Cited Violation Description	Violation Dates		Investigation/ File Review	Date of...		CAT
		Start	End		NOV	NOE	
377619	40 CFR Chapter 403.12(j)	Unknown	Unknown	08/20/2009		09/25/2009	C
Failure to notify the designated control authority in advance of any changes to the industrial processes at the MCC Recycling LLP facility.							
377620	2D TWC Chapter 26.121(a)(1)	Unknown	Unknown	08/20/2009		09/25/2009	B
Failure to prevent an unpermitted discharge of wastewater. The vessel formerly known as the trickling filter was observed to be leaking wastewater onto the ground at the MCC Recycling LLP facility.							

Section 4: Additional Discussion

Section 5: Additional Issues

N/A

Section 6: Information About Initiating Office

	Name	GARY FOGARTY	Date	9/23/2009
	Signature		E-Mail	GFOGARTY@tceq.state.tx.us
	Phone	713-767-7654		
	Name	BARBARA SULLIVAN	Date	9/24/09
	Signature		E-Mail	BSULLIVA@tceq.state.tx.us
	Phone	7137673670		

FILE CODE - THIS MUST BE FILLED IN BY THE REGION.

File Series/TCEQ ID/Folder Code:	PRT-TXP500040-CO
County Name, if no TCEQ ID:	

EPA

NPDES Compliance Inspection Report

United States Environmental Protection Agency
Washington D.C. 20460

Section A: National Data System Coding

Transaction Code		NPDES										yr/mo/day		Inspection Type		Inspector		Fac Type										
1	N	2	5	3	T	X	P	5	0	0	0	4	0	11	12	0	9	0	8	2	0	17	18	I	19	S	20	2
21		P	R	T	-	T	X	P	5	0	0	0	4	0														66
Inspection Work Days				Facility Evaluation Rating				BI				QA				Reserved												
67		2	.9	69		70	1	71	N		72	N		73			74	75										80

Section B: Facility Data

Name and Location of Facility Inspected MCC Recycling LLP 200 Richey Street Pasadena, Texas 77506		City of Pasadena New Vince Bayou WWTF TX0117528		Entry Time/Date 09:22 am / 08-20-2009		Permit Effective Date N/A	
				Exit Time/Date 11:30 am / 08-20-2009		Permit Expiration Date N/A	
Name(s) of On-Site Representatives Andy Thomas				Title(s) Plant Operator		Phone Number 713-473-0013	
Name, Address of Responsible Official Klaus Gessner, C/O US Oil Recovery, 400 North Richey Street, Pasadena, Texas 77506				Title President			
				Phone Number 713-473-0013		Contacted: YES ___ NO <u>X</u>	

Section C: Areas Evaluated During Inspection
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

N	Permit	N	Flow Measurement	N	Storm Water	N	CSO/SSO/Sewer Overflow
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	U	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	N	Operations & Maintenance	N	

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

See attached inspection report.

Name(s) and Signature(s) of Inspector(s) Gary Fogarty		Agency/Office/Telephone TCEQ/Houston Region Office/713-767-3654		Date 09-11-2009	
Signature of Reviewer Barbara Sullivan		Agency/Office TCEQ/Houston Region Office/713-767-3670		Date 9/24/09	

Texas Commission on Environmental Quality

Investigation Report

MCC RECYCLING LLP

CN603445016

MCC RECYCLING

RN105684302

Investigation # 768045

Incident #

Investigator: GARY FOGARTY

Site Classification

Conducted: 08/20/2009 -- 08/20/2009

NAIC Code: 56292

SIC Code: 4953

Program(s): PRETREATMENT

Investigation Type : Compliance Investigation

Location : 200 N RICHEY ST., PASADENA,
TX 77506

Additional ID(s) :

Address: 200 RICHEY ST;
PASADENA, TX 77506Activity Type : REGION 12 - HOUSTON
PTRCNAPPIU - PT IU Recon - Non-Approved ProgramPrincipal(s) :

Role	Name
RESPONDENT	MCC RECYCLING LLP

Contact(s) :

Role	Title	Name	Phone
Participated in Investigation	INVESTIGATOR	MS ELIZABETH GUYNN	Work (713) 740-8763
Participated in Investigation	PLANT MANAGER	MR ANDY THOMAS	Cell (713) 291-2263
			Work (713) 473-0013
Participated in Investigation	EMERGENCY RESPONSE SPECIALIST	MR GREG HILL	Work (713) 740-8768
Regulated Entity Contact	PLANT MANAGER	MR ANDY THOMAS	Work (713) 473-0013
Regulated Entity Contact	PRESIDENT	MR KLAUS GENSSLER	Work (713) 473-0013
			(713) 472-5668
Regulated Entity Mail Contact	PRESIDENT	MR KLAUS GENSSLER	(713) 472-5668
			Work (713) 473-0013
Participated in Investigation	ENVIRONMENTAL INVESTIGATOR	MR JOHN EMERSON	Work (713) 740-8753
Participated in Investigation	WATER COMPLIANCE COORDINATOR	MS DENISE HALL	Work (713) 740-8714

Other Staff Member(s) :

Role	Name
Supervisor	BARBARA SULLIVAN
Investigator	CHARLES BURNER
QA Reviewer	KELLEY KARTYE
Investigator	TERRY VASUT

Associated Check ListChecklist NameUnit Name

PRETREATMENT IU SHORT FORM - NONAPPROVED MCC Recycling 768045
PROGRAM

Investigation Comments :**INTRODUCTION**

An Industrial User Reconnaissance investigation of MCC Recycling, LLP was conducted on August 20, 2009 to assist in an odor complaint and to verify compliance with a temporary injunction. Terry Vasut, Environmental Investigator, TCEQ Houston Region Air Section and Charles Burner, Environmental Investigator, TCEQ Houston Region Waste Section were present during the investigation. Mr. Vasut conducted a separate odor investigation. Also present, were Elizabeth Gynn, Denise Hall, Greg Hill and John Emerson of the Harris County Public Health and Environmental Services. The facility was not notified about the investigation because this was a complaint investigation. No exit interview was performed as this investigation was not intended to be a pretreatment comprehensive compliance investigation. However, during the course of this investigation at least one violation of applicable pretreatment standards was found and at least one violation of water quality regulations was found. A copy of the TCEQ Exit Interview Form was sent by fax and received by Mr. Klaus Genssler, President

GENERAL FACILITY AND PROCESS INFORMATION

The MCC Recycling facility is located at 200 Richey Street, Pasadena, Texas. The site was the former location of the City of Pasadena "old" Vince Bayou Wastewater Treatment Plant. MCC Recycling discharges process wastewater commingled with domestic wastewater to the City of Pasadena New Vince Bayou Wastewater Treatment facility (TPDES Permit No. WQ0010053-009; EPA I.D. No. TX0117528).

The facility is receiving partially treated process wastewater from US Oil Recovery, LLC (USOR). USOR is located at 400 N. Richey Street, Pasadena, Texas. USOR receives and treats trucked in oily and organic chemical wastes. USOR is subject to applicable pretreatment standards contained in 40 CFR §437.47(e). MCC Recycling was found to be discharging treated process wastewater to the City of Pasadena wastewater treatment system. Since MCC Recycling is acting as a treatment unit for USOR, they too are subject to applicable pretreatment standards contained in 40 CFR §437.47(e).

As stated above, the MCC Recycling facility occupies a site which had once been the City of Pasadena Vince Bayou Wastewater Treatment Plant. The old plant had been designed and used to treat domestic wastewater. Structures of the old wastewater treatment plant have been converted by MCC Recycling into oily and organic wastewater treatment and storage units. The MCC recycling facility is located on both sides of Vince Bayou. The portion of the MCC Recycling facility located on the east side of the bayou is commonly called the east plant. The portion of the MCC Recycling facility located to the west of Vince Bayou is commonly called the west plant.

The MCC Recycling facility receives piped in process wastewater from USOR. The wastewater is pumped up to the headworks of the MCC Recycling facility. On top of the headworks is an oil and water separator. The oil water separator has been installed since the last investigation performed on June 3, 2009. The oil is removed and stored in compartments of the separator. The oil is periodically collected from a discharge pipe for recycling. The wastewater flows from the oil water separator to a primary clarifier. More oil is collected from the surface of the clarifier. Wastewater from the primary clarifier flows to what was an old trickling filter. The trickling filter currently is serving as a holding tank. Wastewater from the trickling filter flows to an aeration basin. Alum is added to act as a flocculent. Wastewater from the aeration basin is pumped to a clarifier. The solids flock and float to the surface. The wastewater is drained off and pumped to the designated sample point. The City of Pasadena collects wastewater samples at the sample point for compliance monitoring with an automatic sampler. The wastewater is discharged to the City of Pasadena wastewater collection system after the sample point.

As stated above, this facility is subject to applicable pretreatment standards in 40 CFR Part 437. In this particular category, the industrial process and wastewater pretreatment system are the same.

The City of Pasadena has issued an industrial use permit to MCC Recycling which requires the

facility to be subject to pretreatment standards in 40 CFR Part 437 (Subparts A, B, and C) and to the City's local limits. However, the TCEQ requires that MCC Recycling to be subject to the same applicable categorical pretreatment standards contained in 40 CFR §437.47(e) as is USOR. All monitoring occurs at the auto-sampler. The auto-sampler is enclosed within a locked fence. It is unknown at this time how MCC Recycling is performing self-monitoring. (The US Oil Recovery (USOR) has been using the same sample point for compliance monitoring.)

BACKGROUND INFORMATION

The facility was last inspected by the TCEQ during an investigation conducted on May 18, 20, and June 3, 2009. The results of that investigation resulted in the issuance of a Notice of Enforcement. The case is still ongoing. The findings of the enforcement were failure to prevent unpermitted discharge of wastewater and failure to submit the required baseline monitoring report. The results of this investigation are being forwarded to be included in the enforcement action.

The August 20, 2009 investigation found wastewater escaping to the ground from the trickling filter. This was an unpermitted discharge of wastewater. This investigation found that the wastewater treatment process had been changed with no prior formal notice of the change having been made to the designated control authority (TCEQ).

The facility currently has a Temporary Injunction (TI) issued through Harris County. This investigation found that some requirements of the injunction are not being followed.

MCC Recycling was required by the TI to cease the intake of wastewater from USOR until the TCEQ and Harris County Public Health and Environmental Services (HCPHES) received verification from a Civil Engineer proficient in wastewater treatment facilities that the wastewater treatment facilities at both MCC Recycling and USOR were structurally sound and be capable of functioning for the purpose of wastewater treatment. MCC Recycling hired a chemical engineer to determine the soundness of the wastewater treatment facilities at the MCC Recycling site and how to operate the wastewater treatment units. Although the chemical engineer might prove useful in determining how to operate the MCC Recycling wastewater treatment facilities, that is not the correct type of engineer to determine the soundness of the wastewater treatment structures. During the previous investigation it was noted that an area next to the primary clarifier had been excavated to allow for an oil storage container. The container would provide a receptacle to collect and store oil skimmed off of the primary clarifier. However, a large gap has appeared along the base of the primary clarifier. The excavation may have contributed to the opening between the ground and the clarifier. Erosion of soil around the primary clarifier could result in failure of that structure and allow process wastewater to escape.

The injunction required that all unauthorized discharges of wastewater cease at the MCC recycling facility. As stated above, there were wastewater leaks to the ground from the old trickling filter. (see attached pictures numbers 9, 11, 13, and 15)

The TI required that the old outfall for the west plant and the old outfall from the old chlorine contact chamber located at the east plant to be plugged. The investigation found that the old outfall from the MCC Recycling west plant was plugged with a steel plate. However, the old outfall for the east plant did not appear to be plugged as required by the injunction. (see attached picture number 21)

There was still some sludge being stored in the old chlorine contact chamber. The injunction required that all of the sludge was to have been removed from the chlorine contact chamber within 60 days. The injunction was issued June 8, 2009. Sixty days passed on August 7, 2009. (see attached pictures numbers 22 and 23)

The TI required that a minimum of 18 inches of freeboard to be maintained on all open tanks at the MCC Recycling facility unless the design of the structure in use is being used as intended (for example: an old clarifier is being used as a clarifier or the old trickling filter is being used as a trickling filter). During this investigation, what had been the trickling filter had only 14 inches of freeboard. The old trickling filter did not appear as being used as a trickling filter. The water level was

high enough to touch the bottom of one of the rotating influent distributor arms. (see attached picture number 12)

Compliance with the other requirements of the TI is undetermined. (See attached TI for other requirements)

ADDITIONAL INFORMATION

The west plant's structures were all in use except for the headworks and the old lift station. The headworks' structure was being used as a platform to elevate the oil water separator. At the east plant, the old clarifier next to the pump room was being used as a final clarifier. Solids were floating on the surface. The old aeration basin, digester, and the old final clarifiers were being used as wastewater storage vessels. The wastewater in the old final clarifiers and the digester had turned septic. Although the wastewater had turned septic, the odors were not very strong.

Hydrocarbon odors were detected at the oil water separator, the primary clarifier, the old trickling filter, and the aeration basin which are located in the west plant. Septic hydrocarbon odors were detected at the old final clarifiers and digester located in the east plant.

The pump room next to the old digester was investigated. New piping had been installed which appeared to better interconnect the east and west plants. There is more piping being installed. It was not clear where the new pipe was going. At least one segment was still not connected. The mystery pipe found on May 18, 2009, had mostly been removed. The section located under the drive next to the chlorine contact chamber was still there. (see pictures numbers 16, 17, 21, and 26)

The previous investigation conducted on May 18, 20, and June 3, 2009 resulted into a Notice of Enforcement (NOE) being issued. The case is still pending. The NOE was due to the numerous unpermitted discharges occurring at the MCC Recycling facility during the period of May 15 to June 8, 2009. The current investigation found leaks coming from the old trickling filter. These leaks are also unpermitted discharges.

The NOE also contained a violation for failing to submit a baseline monitoring report (BMR) to the designated control authority 90 days prior to discharging process wastewater to a publicly owned treatment works (POTW). The City of Pasadena is a POTW which does not have an approved pretreatment program. Since the POTW does not have an approved pretreatment program, the designated control authority is the TCEQ. Therefore, the BMR was required to be submitted to the TCEQ 90 days prior to discharging process wastewater to the City of Pasadena.

Harris County Public Health and Environmental Services issued a violation notice to MCC Recycling LLC in a letter dated August 27, 2009 concerning the odors emissions which contain benzene and acetone. The notice also addresses the leaks from the trickling filter and non-compliance issues with the TI.

NOE Date: 9/18/2009

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 377619

Compliance Due Date: To Be Determined

Violation Start Date: Unknown

40 CFR Chapter 403.12(j)

Alleged Violation:

Investigation: 768045

Comment Date: 09/23/2009

Failure to notify the control authority in advance of any changes to the industrial processes at the MCC Recycling LLP facility. MCC Recycling LLP has added an oil water separator to their wastewater treatment process. Since MCC Recycling is subject to applicable pretreatment standards contained in 40 CFR Part 437- Centralized Waste Treatment Point Source Category, the wastewater treatment process at MCC Recycling is the industrial

process. Any changes to the industrial process which could change the character of the wastewater being discharged to a publicly owned treatment works (POTW) requires the industrial user to give prior notification to both the control authority and the POTW. The MCC Recycling facility discharges process wastewater to the City of Pasadena wastewater treatment system. Since the City of Pasadena does not have an approved pretreatment program, the designated control authority is the TCEQ.

Recommended Corrective Action: MCC Recycling must submit all required reports including reports of changed discharge to the TCEQ and the City of Pasadena.

Track No: 377620

Compliance Due Date: To Be Determined

Violation Start Date: Unknown

2D TWC Chapter 26.121(a)(1)

Alleged Violation:

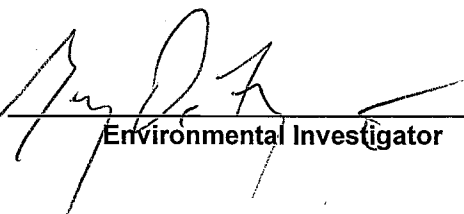
Investigation: 768045

Comment Date: 09/21/2009

Failure by MCC Recycling LLP to prevent an unpermitted discharge of wastewater. The vessel formerly known as the trickling filter was observed to be leaking wastewater onto the ground at the MCC Recycling LLP facility. One of the leaking sites was in view of the Richey Street entrance to the site. MCC Recycling had erected a blue tarp in front the leak. A second and third leaks were observed in the same vessel. one of the leaks was on the side of the vessel facing Vince Bayou.

Recommended Corrective Action: MCC Recycling LLP must prevent all unpermitted discharges of wastewater to the environment.

Signed


Environmental Investigator

Date

9/11/2009

Signed


Supervisor

Date

9/21/09

Attachments: (in order of final report submittal)

- ☒ Enforcement Action Request (EAR)
- ☐ Letter to Facility (specify type) : _____
- Investigation Report
- ☐ Sample Analysis Results
- ☐ Manifests
- ☐ NOR

- ☐ Maps, Plans, Sketches
- ☒ Photographs
- ☐ Correspondence from the facility
- ☒ Other (specify) :
checklists, TI

Summary of Investigation Findings

MCC RECYCLING

Investigation # 768045

200 RICHEY ST

Investigation Date: 08/20/2009

PASADENA, HARRIS COUNTY, TX 77506

Additional ID(s):

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 377619

Compliance Due Date: To Be Determined

40 CFR Chapter 403.12(j)

Alleged Violation:

Investigation: 768045

Comment Date: 09/23/2009

Failure to notify the control authority in advance of any changes to the industrial processes at the MCC Recycling LLP facility. MCC Recycling LLP has added an oil water separator to their wastewater treatment process. Since MCC Recycling is subject to applicable pretreatment standards contained in 40 CFR Part 437- Centralized Waste Treatment Point Source Category, the wastewater treatment process at MCC Recycling is the industrial process. Any changes to the industrial process which could change the character of the wastewater being discharged to a publicly owned treatment works (POTW) requires the industrial user to give prior notification to both the control authority and the POTW. The MCC Recycling facility discharges process wastewater to the City of Pasadena wastewater treatment system. Since the City of Pasadena does not have an approved pretreatment program, the designated control authority is the TCEQ.

Recommended Corrective Action: MCC Recycling must submit all required reports including reports of changed discharge to the TCEQ and the City of Pasadena.

Track No: 377620

Compliance Due Date: To Be Determined

2D TWC Chapter 26.121(a)(1)

Alleged Violation:

Investigation: 768045

Comment Date: 09/21/2009

Failure by MCC Recycling LLP to prevent an unpermitted discharge of wastewater. The vessel formerly known as the trickling filter was observed to be leaking wastewater onto the ground at the MCC Recycling LLP facility. One of the leaking sites was in view of the Richey Street entrance to the site. MCC Recycling had erected a blue tarp in front the leak. A second and third leaks were observed in the same vessel. one of the leaks was on the side of the vessel facing Vince Bayou.

Recommended Corrective Action: MCC Recycling LLP must prevent all unpermitted discharges of wastewater to the environment.

Texas Commission on Environmental Quality

PRETREATMENT IU SHORT FORM - NONAPPROVED PROGRAM Checklist

Unit Name : MCC Recycling 768045
Investigation # :768045
Facility Name : MCC RECYCLING

County : HARRIS
TCEQ Investigator : GARY FOGARTY

Item No.	Description	Answer	Comments	Due Date
56	Are samples being taken and is the location adequate?	COMPLIANT		
	FACILITY DESCRIPTION/IDENTIFICATION			
1.	Does the IU have categorical processes subject to pretreatment standards? (If yes, list and describe each categorical process) (40 CFR Parts 405-471)	YES		
2.	Are there any non-categorical processes? (If yes, describe the process)	INDETERMINATE		
3.	Is this a Significant Industrial User per 40 CFR 403.3(v)?	YES		
4.	Is this a Categorical Industrial User (CIU)?	YES		
5	If this is a Categorical Industrial User, have the required reports been submitted? (BMR (40 CFR 403.12(b)), 90-Compliance Report (40 CFR 403.12(d)), Semi-annual Compliance Reports (40 CFR 403.12(e))	INDETERMINATE	see other violations	
	OBSERVATIONS			
6	Are pretreatment equipment and/or procedures being used?	YES		
7	Is pretreatment equipment properly maintained and operational?	NO	see comments section	
8	What solid waste is disposed of through the sanitary sewer?	NOT EVALUATED		
9	Has the POTW been notified of any discharge that may cause potential problems.	NOT EVALUATED		
	INVESTIGATION SAMPLE RESULTS			
	Were effluent samples collected? (If yes, attach Sample Results Table)	NO		
	Were any other Violations or Areas of Concern noted?	YES		
	Item #1	NON COMPLIANT	Failure to notify the TCEQ of any process changes. MCC Recycling added an oil water separator to their wastewater treatment proces without prior notification to the TCEQ Storm Water and Pretreatment Team.	
	Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.12(j)			
	Item #2	NON COMPLIANT	Failure to prevent an unpermitted discharge of wastewater. The vessel formerly known as the trickling filter was observed to be leaking wastewater onto the ground at the MCC Recycling LLP facility.	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)			

	Item #3	NOT APPLICABLE	
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HARRIS COUNTY, TEXAS
Plaintiff

and

THE STATE OF TEXAS
acting by and through the
Texas Commission on
Environmental Quality,
a Necessary and Indispensable
Party

vs.

**U.S. Oil Recovery, L.P. ,
Integrated MCC Solutions, LLC, MCC
Recycling, LLP, and Genssler
Environmental Holdings, LLC
Defendants**

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

125th JUDICIAL DISTRICT

TEMPORARY INJUNCTION ORDER

1. Immediately cease unauthorized discharges from the sites at 200 North Richey Road and 400 North Richey Road.
2. Immediately notify Harris County Environmental Public Health (EPH) at 713-920-2831 and the State at 1-800-832-8224 if there are any unauthorized wastewater or used oil discharges or spills from either 200 North Richey or 400 North Richey Roads.
3. Immediately stop all intake to 200 North Richey Road until such time as:
 - a) The following registered professional civil engineer experienced in wastewater matters; WMM or Turner, Collie & Braden, or some other such entity approved by EPH and the Texas Commission on Environmental Quality (TCEQ) and approved by defendants, but not affiliated with the defendants, certifies that the integrity of all the vessels or units at the 200 North Richey Road site is such that leaks, spills, or overflows can be prevented. If the defendants choose to operate the facility at 200 North Richey as an industrial wastewater pretreatment facility, a commercial used oil recycling facility, or a commercial industrial solid waste facility, the engineer must submit a report to EPH and TCEQ certifying that the facility can function for that purpose .
 - b) Industrial wastewater can be pretreated to the parameters required by a Publicly Owned Treatment Works and meet applicable pretreatment standards.

- c) All TCEQ required authorizations, permits or registrations are obtained.
4. A qualified wastewater operator must be on site at 200 North Richey Road at all times wastewater or used oil is on site to ensure the prevention of spills or to clean up of spills or discharges in a timely manner and before the spill is discharged off site/or into the bayou.
 5. Install an audible high level alarm on sumps and lift stations at the site at 200 North Richey Road sufficient to warn the operator of potential overflows.
 6. Any wastewater or oily wastewater or used oil that is removed from the site must be removed to a facility authorized to receive it by the TCEQ.
 7. Remove within 60 days from the execution of this temporary injunction all contents from the unit known as the chlorine contact chamber at 200 North Richey Road and dispose of it at a facility authorized by the TCEQ to receive the waste, provided the discharge pipe from the chlorine contact chamber to the bayou is plugged immediately.
 8. Remove within 120 days from the execution of this temporary injunction all contents from the C-63 and C-64 bio reactors, TCEQ Non Hazardous Waste Permit Number 52123 unit numbers 17 and 18, located at 400 North Richey Road and dispose of the contents at a facility authorized by the TCEQ to receive the waste. Defendants shall not put these units back into service until the modification(s) to Non Hazardous Waste Permit Number 52123 are approved by the TCEQ.
 9. Maintain at least 18 inches of freeboard in all open tanks at 400 North Richey Road and 200 North Richey Road to prevent unauthorized releases and, provided the outfall pipe on the west side of the site at 200 North Richey is plugged. The tanks known as clarifiers or trickle filters do not need 18 inches of freeboard if they are being used as clarifiers or trickle filters. If a clarifier is used as a clarifier, the water in the clarifier can be no higher than the V-Notch weir. If the trickle filter is used as a trickle filter, the water can go no higher than the media. ~~The~~
 10. Within 30 days of the execution of this injunction, have a registered professional engineer certify that all units at the facility at 200 North Richey Road are above the 100-year floodplain or within 180 days have physical barriers built to Harris County floodplain regulations to prevent floodwater inundation. K1
JH
TRD
 11. The parties agree that all contempt pending from May 22, 2009 and May 29, 2009 charges are dismissed with prejudice.
 12. Defendants acknowledge service of this order and waive the issuance of the writ of injunction.

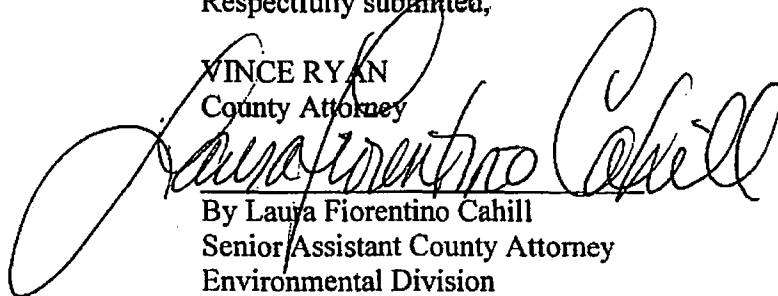
- Set for trial ~~on the merits~~ on the merits
on October 5th, 2009 at 9:00 am.

- No Bond required

@Kd

Respectfully submitted,

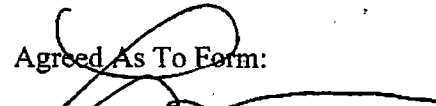
VINCE RYAN
County Attorney



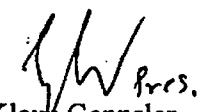
By Laura Fiorentino Cahill
Senior Assistant County Attorney
Environmental Division
State Bar No. 00785742
1019 Congress Avenue, 15th Floor
Houston, Texas 77002
Telephone: (713) 755-7962
Fax: (713) 755-2680

**ATTORNEY FOR PLAINTIFF
HARRIS COUNTY, TEXAS**

Agreed As To Form:




Larry S Rothenberg
Attorney for defendants



Klaus Gennsler
President of US Oil Recovery, LLP

Signed this 8th day of June, 2009



Judge Purdy



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: 9/14/09

NUMBER OF PAGES (including this cover sheet): 2

TO: Name Klaus Genster
Organization USOR / MCC Recycling
FAX Number 713-742-5668

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Gary Fagarty
Division/Region R12/water
Telephone Number 713-767-3654
FAX Number 713/767-3691

NOTES:

I am going to be out on sick leave for at
~~least~~ least one day. You may contact
Barbara Sullivan if you have questions
about the violations.

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	MCC Recycling LLC	TCEQ Add. ID No. RN No. (optional)	TXP 500040
Investigation Type	111	Contact Made In-House (Y/N)	y
Regulated Entity Contact	Klaus Gennel	Purpose of Investigation	Assist in odor complaint
Title	President	Telephone No.	713-743-0217
		Fax No.	713-742-5668
		Date Contacted	
		Date Faxed	9/14/09

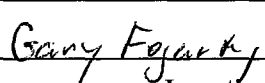
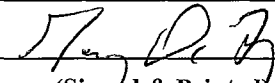
NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	AV	TAC 26.121	Failure to prevent unpermitted discharges of wastewater at the old trucking center.
2	AV	40CFR 5403.12(j)	Failure to notify the TCEQ prior to installing the oilwater separator.

¹ Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

 Investigator Name (Signed & Printed)	9/14/09 Date	 Regulated Entity Representative Name (Signed & Printed)	9/14/09 Date
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If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.